

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HERNANDEZ,

Plaintiff

-against-

YONKERS BREWING COMPANY LLC et al,

Defendant.
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Case No.: 7:21-cv-06951-KMK

**SETTLEMENT CONFERENCE
STATEMENT**

SETTLEMENT JUDGE:
HON. KENNETH M. KARAS

I. FACTUAL BACKGROUND

1. Plaintiff claims she was employed by the Defendant between April 2021 and August 2021.
2. Plaintiff claims that during that time she was not paid in accordance with the FLSA and NY FLSA.
3. However, Plaintiff provided a false Social Security number, false identity, or both to the Defendant.
4. Plaintiff was paid for all hours she worked at the proper rate as per the Defendant's timekeeping and payroll system software.

II. STATEMENT OF CLAIMS AND DEFENSES

1. The Plaintiff claims that she was unpaid minimum wage, in accordance with the FLSA and the NYLL. However, the Defendant paid the Plaintiff minimum wage as per the FLSA and NYLL.
2. The Plaintiff claims that she was unpaid overtime, in accordance with the FLSA and NYLL. However, the Defendant paid overtime wage as per the FLSA and NYLL.

3. The Plaintiff claims that according to the NLL she was entitled to spread of hours pay.
However, the Defendant holds that the plaintiff was not entitled to spread of hours pay.
4. The Plaintiff claims that, in accordance with the NYLL WIPA, that she was not provided all wage notices. However, the Defendant holds that all wage notices were provided.
5. The Plaintiff claims that, in accordance with the NYLL, she was not provided wage statement provisions. However, the Defendant holds that the Defendant provided all wage statements.
6. The Plaintiff claims that she experienced wage deductions, in contradiction to the NYLL. However, the Defendant made no deductions from the Plaintiff's wages.
7. The Plaintiff claims that she experienced retaliation from the Defendant as per the FLSA and NYLL. However, the Defendant holds that there was no retaliation or discrimination against the Plaintiff.
8. The Defendant holds that the Plaintiff falsified Social Security numbers/cards and/or provided false identification.
9. The Defendant holds that the Plaintiff falsified and exaggerated the number of hours actually worked.

III. SUMMARY OF COURT PROCEDURES

1. December 2, 2021: Initial Pre-Trial Conference
2. December 3, 2021: Scheduling Order and Case Management; Order of Reference to Magistrate Judge; Discovery Order
3. December 6, 2021: Scheduling Order
4. December 13, 2021: Scheduling Order; Conference on January 12, 2022
5. December 13, 2021: Scheduling Order

IV. FACTS IN DISPUTE

1. Plaintiff did not work the dates or hours alleged in the Complaint.
2. Plaintiff falsified their identity and/or Social Security numbers.
3. Plaintiff is not owed any of the amounts alleged in the Complaint.

V. RELIEF SOUGHT

1. Money damages against the Defendant for the alleged violations of the FLSA and NYLL.

Dated: January 10, 2022
Yonkers, New York



Mark E. Constantine, Esq.
Attorney for *Yonkers Brewing Co.*
618 Midland Avenue
Yonkers, New York 10704
914-631-0410